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DOL/ILAB FOR TINA MCCARTER
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SUBJECT: URUGUAY: WORST FORMS OF CHILD LABOR INFORMATION
FOR MANDATORY CONGRESSIONAL REPORTING REQUIREMENTS

REF: STATE 158223

¶1. Per reftel, post submits the following report on worst
forms of child labor in Uruguay, formatted as requested.

Begin Report

A) Laws and regulations proscribing the worst forms of child labor

The law sets the minimum age for employment at 15 years. Adolescents between 15 and 18 years require government permission to work and must undergo physical exams to identify possible exposure to job-related physical harm. Permits are not granted for hazardous, fatiguing, and night work. The government grants work permission to minors only if they have finished 9 years of compulsory education or who are enrolled in school and are completing compulsory education. An exception can be granted for minors ages 13 through 15 to engage in cultural or artistic activities. Minors are not allowed to work for more than 6 hours per day within a 36-hour work week. Minors have to rest 1 day a week, preferably Sunday, and cannot work between the hours of 10 p.m. and 6 a.m.

Violations of child labor laws are punishable by fines. Parents or adults responsible for working children may be subject to imprisonment of 3 months to 4 years.

Forced or compulsory labor, including by children, is prohibited by law. The Uruguayan legal system addresses sexual exploitation, prostitution, and trafficking involving minors and provides prison terms ranging from 2 to 12 years. The minimum age for voluntary military conscription is 18 years. There is no compulsory military conscription.

In compliance with its ratification of ILO Convention 182, the GOU's National Committee for the Eradication of Child Labor (CETI) compiled and maintains a list of the fifty most hazardous jobs. The Ministry of Labor presides over CETI, and the National Institute for Adolescents and Children (INAU) bears primary responsibility for its Executive Secretariat.

B) Regulations for implementation and enforcement of proscriptions against the worst forms of child labor

The Ministry of Labor's Inspector General is the GOU's foremost authority designated to implement and enforce child labor laws. Responsibilities for implementation and enforcement of child labor laws are shared with other government agencies. In practice, INAU bears primary

responsibility for implementing policies to prevent and regulate child labor and to provide training on child labor issues. INAU works with the Ministry of Labor to investigate complaints of child labor and with the Ministry of the Interior to prosecute cases. INAU currently has 6 inspectors focused specifically on child labor issues. They conduct approximately 2,400 inspections per year, and impose sanctions in approximately 5 percent of the cases. Officials noted that companies out of compliance have a grace period of ten days to address cited infractions before sanctions are applied. Most inspectors are assigned to the capital city of Montevideo, which at times leaves remote rural areas without adequate coverage. The Crime Prevention Office within the Ministry of the Interior addresses child trafficking and maintains a database on cases related to trafficking.

The Children's Code establishes that infractions are punishable by a fine of up to 2000 "Readjustable Units," an index which varies based on cost of living. Punishment for repeat offenses may include jail sentences for the child's employer. The child's parents or guardians may be punished with the same fine or jail time, as well as possible limitation or revocation of guardianship of the child. The Ministry of Labor has the authority to close down companies if there is gross malfeasance regarding child labor.

C) Whether there are social programs specifically designed to prevent and withdraw children from the worst forms of child labor

In 2005 the Ministry of Social Development was created to "formulate, execute, supervise, coordinate, program, follow up, evaluate and coordinate strategic policies and plans for young people, women, the family, the elderly and the handicapped, and to attend to general social development in

response to the social emergency." Since 2005, the INAU has worked with UNICEF and the Montevideo Municipality to develop the "Friendly House" program for children, adolescents and families at risk. The program is located in three Montevideo neighborhoods and provides a safe environment for youth at risk to engage in educational activities, rather than being in the street.

The Infancy, Adolescence and Family Program ("INFAMILIA") under the Ministry of Social Development (financed by an IDB loan and GOU funds) is aimed at improving the living conditions and social insertion of children, adolescents, and their families at social risk. The program began in 2003 and will end in 2009. It divides the country in 75 areas of risk and coordinates the efforts of the public and private sectors and fosters community involvement. Infamilia is part of the Comite de Coordinacion Estrategica created in 2005 to centralize and coordinate government agencies efforts to improve the living conditions of children and adolescents. To date, Infamilia has provided services to 1,400 children living in the streets, resulting in 40% of them returning from the streets and enrolling in education.

The National Plan to Address the Social Emergency ("PANES") is a poverty-fighting program targeted at the very poor, indigents, and individuals who are not able to meet their daily subsistence needs. The program began in 2005 and ends in 2007. It provides a monthly subsidy, called the Citizen Income ("Ingreso Ciudadano"), to poor families in exchange for parents' commitment to take their children to public medical facilities, keep their children in school, to do community work, and seek job-training. Some of the families receiving the subsidy have five children or more.

Beginning in early 2008, the Citizen Income will be replaced by the Plan de Equidad (Equity Plan) introducing a similar subsidy for families of approximately 330,000 children and adolescents at risk. The amount per child is calculated on a progressive scale beginning at USD 32 for the first child and USD 45 for each adolescent. The goal of the program is to reach 500,000 beneficiaries by 2009. Another strong program component is educational coverage for the approximately

52,000 children ages 0-3; a specific education plan for ages 4 to 12 to include physical education in 392 urban public schools; and a similar plan for adolescents ages 12 to 19 to reduce school drop out. The program goals are to: 1) reduce poverty by 5 percent; 2) reduce extreme poverty by 62 percent; and 3) reduce the impact of poverty on children and adolescents under 18 from 45 percent to 37 percent. It is estimated that eight out of ten children and adolescents living in poverty under the age of eighteen will be reached by the benefits of the program.

D) Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor?

The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation, along with INAU, has a national plan of action against commercial sexual exploitation of children that includes protection measures for victims and witnesses. The plan includes awareness raising, strengthening of legal protections, reintegration and retention of working children in school, and development of alternative income generation for families of working children. Concerns exist about the lack of resources to fully support the national action plan.

The Ministry of Education Human Rights Bureau and the Ministry of Tourism and Sports have produced anti-trafficking public service announcements on national television. In 2007, the Montevideo branch of the Office of International Migration completed a four year project which is designed to promote the creation of networks aimed at strengthening local and regional capacities to fight human trafficking, child pornography and migrant smuggling throughout the region. El Faro, SOMOS, Arco Iris, Andenes, Claves - Juventud Para Cristo, and BICE (Catholic technical assistance) work with trafficking victims, including children.

The government is also participating in an IDB-financed program within Mercosur that includes initiatives to address child labor, reduce school attrition, and improve children's performance in school.

The GOU is also working with ILO-IPEC and other MERCOSUR governments to implement a regional plan to combat child labor.

The GOU offers free lunches to needy children in all publicly funded schools. Public school is provided free from primary school through the university level. Schools are generally overcrowded.

Uruguayan law mandates kindergarten, primary and secondary education for a minimum of nine years. However, INAU officials indicated that these regulations are not always enforced. Enrollment is estimated at over ninety percent in primary schools, but attendance records are poor. It is likely that attendance levels are lower than the enrollment rate since compulsory attendance is not regularly enforced.

E) Is the country making continual progress toward eliminating the worst forms of child labor?

A key focus of the current Frente Amplio (Broad Front) administration is to address issues of child labor within the context of its overall platform to promote social justice and egalitarianism within Uruguayan society. In part, the FA sees the worst forms of child labor as a consequence of social inequity. Over the past three years, it has repeatedly and publicly committed itself to fight for the elimination of child labor. Within the constraints of its limited resources, the GOU has ensured that the necessary laws are in place, that investigations of illegal child labor cases are carried out by the Ministry of Labor and INAU. CETI also continues to coordinate government and NGO efforts to eliminate child labor.

In 2006, the GOU's Instituto Nacional de Estadísticas (National Statistics Institute) released a report which

included a specific section on child labor issues related to children between the ages of 5 and 17. Statistics from the 2006 report demonstrate that 5.4 percent of Uruguayan children between the ages of 5 and 17 perform some sort of work outside the home environment. Of those children who work outside the home, 36.7 percent in Montevideo and 50.9 percent in the interior of the country perform that work without supervision. The average age of children who leave school in order to work outside the home is 13 years in areas with more than 5000 residents, and 11 years of age in smaller/rural areas. The study highlights the marked differences between regions and notes that the phenomenon of child labor (in this case, defined as work performed outside the home), is concentrated primarily in children between the ages of 12 to 17 years, wherein work seems to be a strong alternative to secondary education.

End Report

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